

Transcript - September 28 AmeriCorps Rulemaking Session

AMERICORPS RULEMAKING SESSION

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David Eisner
CEO, Corporation for National and Community Service

Gretchen Van der Veer
Director, Office of Leadership Development and Training

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MS. VAN DER VEER: Jacki Allen-Benson, Greg Webb, and Kevin Huffman, could you please come up to the table here. Okay.

Jacki, you're first on the agenda today.

MS. ALLEN-BENSON: Okay. These comments, I propose will relate to AmeriCorps National Service, are submitted on 9/28/04 in Denver, by Jacki Allen-Benson.

MS. VAN DER VEER: Could you please state which organization you are with?

MS. ALLEN-BENSON: Yes. I'm with the Governor's Commission on Community Service. First, I'd like to thank you for the opportunity to comment on the rules relating to the AmeriCorps National Service Programs that are being proposed by the corporation for National and Community Service. As the state commissioner and as a person experienced in the administration of another corporation program, I have serious concerns with Rules 2521.40 through 2521.60, dealing with an incremental match increase, culminating in a 50 percent match in the tenth year.

Taking into consideration the corporation's admirable offer of training and technical assistance and the statement -- and I quote -- We believe, based on our research into current granting match levels, that it is reasonable to expect all grantees, even those operating in remote or impoverished communities, to achieve this level of matching, and we expect the state commission to continue managing their portfolios to achieve even higher match levels. I must respectfully disagree.

I agree that each local community has a responsibility to do all in its power to address its needs. However, I know that extremely well-run programs, making the greatest impact by virtue of the problems they're addressing -- an example might be homeless teens -- will be the programs placed at the greatest disadvantage in meeting a 50 percent match.

While I hail the corporation's referral in Item 3, conducting corporation outreach to the regional and national philanthropic community, I would suggest that 4the programs who have survived ten years are obviously meeting all of the corporation's requirements for performance, are also no strangers to seeking grants from these entities and are working diligently with the philanthropic community to meet the current level match.

It requires a great deal of faith and future of our economy, and, also, we are in an economic upturn. It will be some time before the private grant-making foundations are able to return to their former levels of giving, regardless of the corporation's noble efforts to explain the impact of the changes we are implementing.

It is the program dealing with unglamorous issues and fully complying with 2520.20 and 2520.30, including cost-effectiveness, that will find it difficult to compete with programs that might be able to charge fees for service or complete in other traditional ways of raising matching funds. These programs are more likely to be needed in geographic areas with the least likelihood of raising funds. 5

While placing the burden on state commissions to balance their portfolio, matching such programs with other programs or exceeding their match seems to be a fair solution on the surface, raising the match from 33 percent to 50 percent for all programs means that there would be little chance of finding that kind of match in a tentative philanthropic climate.

And the referral to waiver -- to address these issues, I feel it's not sufficiently clear as to the criteria that constitutes a demonstrable hardship. Like most Americans, I have a strong interest in my tax dollars being spent wisely, but I think this rule needs further discussion, along with additional research and development.

Next I would address the issue of how a cap is set on states for a competitive program. I do not understand how states offering strong programs will be enabled to have more programs, knowing that grant selection is a time-consuming and difficult process for both the states and CNS. It would seem that Rule 2522.465, having states rank programs as they move them forward seems to be adequate 6assistance to the corporation in determining which and how many programs should be funded, while assuring that states with the strongest programs will also will be able to support more programs.

Another issue is -- it doesn't appear to be clear -- it's hard to support the childcare changes, not understanding exactly what formula the corporation will be using. And so I just have a concern about, you know, clarifying those childcare issues, so that we would be in a position to support that rule. Thanks.

MS. VAN DER VEER: Thank you, Jacki. David?

MR. EISNER: Just a note. Looks like you're going to be submitting a written document?

MS. ALLEN-BENSON: Yes.

MR. EISNER: As you do around the clarification of childcare, if you could specifically note what you hope that clarification will be, that would be helpful.

MS. ALLEN-BENSON: Okay.

MS. VAN DER VEER: Okay. Greg, you're next. Please state your name and organization for the record.

MR. WEBB: My name is Greg Webb. I'm the executive director of the New Mexico Commission for Community Volunteers.

Good morning, Mr. Eisner, senior staff, distinguished guests. Thank you for the opportunity to provide comment here in this transition period called "Rule-making." The New Mexico Commission for Community Volunteers supports the position paper issued by the AmeriCorps Coalition, and the Commission would like to further magnify the importance of a few points.

Although we acknowledge the importance of the proposed sustainability standard, as a small state with a great deal of rural areas, we hope that the corporation -- we hope that the corporation will reconsider their stand on local match requirements. As many of us can appreciate, small, local communities will virtually be impacted due to the reality of the limited local business and organization existing in many of our local areas.

The increasing match in cost would pose great difficulties for our local, small communities. In New Mexico we are fortunate to be 110 percent in collaboration and cooperation with our state NCS office, that's evident by Ernesto Ramos joining us today.

We are looking and trying to magnify all of our federal resources in New Mexico, both at the state office level and also at the commission level, to address our needs in New Mexico. And we're still finding that even under the best circumstances; we're still seeing gaps that we can't fill in rural -- in many areas of our state.

To this end, I think that the commission anticipates that these gaps will, here again, be challenging. We appreciate that in the proposed rule there's a discussion about the relationship between the state office and commission and how we look at maximizing our resources to these fill these gaps. There's mention of assigning district volunteers to come these areas. However, we still acknowledge and recognize that even though this is a case that we're doing in New Mexico, there's still not many businesses or community organizations that can help meet that need with regards to sustainability.

We continue to stress to re-empower state commissions to have flexibility in the way that we determine how we fund our programs. This is based on the understanding that the commission has understanding of our local community needs that the corporation may or may not have. This allows for, here again, the creative nature of us trying to meet our needs with a wide variety of resources, not only to state offices but also to the commission as well.

We suggest strong consideration for not factoring in planning grants into the average cost of FTEs. Here again that allows us to grow our future programs, planning grants factor in the cost of FTEs, and that limits our ability to grow future programs. We also would like to ensure and protect the cost of the FTE, as previously stated, in small states. The ability of a rural program is diminished due to the lack of resources at the local level. Lowering the FTE reduces the default of our programs as well. 12,400 is much lower than has been pointed out, relative to the NCCC and also the Peace Corps.

I'd like to thank you again for the opportunity to address these issues in the rule-making process.

MS. VAN DER VEER: Thank you very much, Greg. Okay. Our next speaker is Kevin. Go ahead and state your name and organization for the record.

MR. HUFFMAN: I'm Kevin Huffman. And I'm the vice president and general counsel of Teach for America. And welcome to my hometown.

I wanted to thank the corporation for the opportunity to testify. And I also wanted to thank the corporation for leadership for your concerted efforts this year to pull together many diverse viewpoints and concerns. We, in the field, I think, really recognize the inherent challenge in this process. And we're appreciative of the time and sensitivity the corporation has taken.

Teach for American is a national teacher corps of outstanding, recent college graduates that commit two years to teach in urban and rural communities across the country. We have about 3,400 -- a little more than 3,400 this year, all involved in AmeriCorps. We have more than 9,000 alumni in our program. Last year we had more than 15,000 talented people across the country apply and join Teach for America, which we think speaks to the continuing growing desire of talented, young people to have opportunities to serve in this county. We are far and away the largest professional corps. And we're still growing.

Teach for America has a particular interest in seeing the growth of the professional corps programs in AmeriCorps, because we think they have enormous potential to impact communities across multiple sectors. Teach for America also believes that the old rules seriously inhibited the ability of professional corps programs to thrive in the grant's competition.

We think the new rules are a clear improvement, but we wanted to highlight a few concerns during this rule-making process. In the initial comment period Teach for America advocated for separate guidelines for professional corps programs, and we continue to believe that that would be the best approach.

Professional corps are distinct from other service corps programs because the salaries are paid by outside employers, which means that professional corps have an obligation and a central mission of achieving excellence in the context of that profession. And professional corps, therefore, have less ability and flexibility to meet additional program requirements, like leveraging volunteers and having specific trainings around things like citizenship.

In the absence of separate guidelines, though, we would like to see a better process for waiving -----requirements. We noted the waiver process in the new rules. And we appreciate the ability to waive out of certain requirements. However, we think that the process -- it needs to be clear that the process would happen well in advance of grant applications, and that the decision made in terms of waivers would be without prejudice in the grant scoring, so that it was a -- truly was a legitimate waiver.

Additionally, we would like to see the corporation to continue to look for ways to push up the grant decision-making time line. The new rules are a great improvement over the

old rules. And continuing to push the process up and to look for creative ways to process grants earlier -- even to process grants, pending appropriations where possible, would be enormously productive for professional corps' ability to recruit top people.

Teach for America is pleased to see cost-effectiveness play a tie-breaking role and to have a higher scoring value in the grant process in the new rules. And we support this rule. We do, however, agree with many peer organizations in expressing concern that the corporation should ensure that this measure is implemented in a way that does not shift the balance of full-time, part-time, and educational work-only programs, and continues to recognize the value that different types of programs play in a robust portfolio.

Finally, we are especially supportive of the decision not to include time limit for programs. We think programs that demonstrate excellence should be able to continue to be over time, and programs that do not demonstrate excellence will naturally fail the process if well-constructed. So we're supportive of the decision that you continue to allow excellent programs to compete for money. Thank you.

MS. VAN DER VEER: Thank you, Kevin. Any clarifying questions for Kevin?

MR. EISNER: Kevin, when you note in your suggestion that we move the timeline, even so that we can make grants pending appropriations, would you -- do you remain comfortable with that, even if it means that you end up having a smaller pool of funds to give out?

MR. HUFFMAN: Clearly, we're raising one of the challenges that you guys have to grapple with as you make these decisions. I don't know if there's a way to have some grants made pending appropriations and then to still move into the second round of grant competition or something like that, that would allow you to maximize resources. If that happened, that might be a productive way to do things, but...

MR. EISNER: Jacki, you noted that you didn't feel that the different ameliorating steps that we're taking -- that we articulated in trying to provide support to organizations that may be at risk in match. Do you have other -- does your testimony point to other ways that we might be able to ameliorate it, or is your testimony that it's not ameliorable and we can't have the requirement?

MS. ALLEN-BENSON: No, I don't want -- I'm sorry, I don't want to indicate that at all. I think when I indicated that I thought it needed a little more research and development -- I'm concerned about the balance and leaving out agencies that can't compete. So there are a number of ways that I think that you could look at that situation. You could possibly be more clear about a different agency does these ten things. Do you know what I mean? Then it will make it clear to us that they are not able to meet that match.

But the criteria, as I read through it, did not have that kind of clarity. I know, from administering a program, how very difficult it is to come up with -- in my case, it was a senior corps program, and was very difficulty to raise the 30 percent match. AmeriCorps, from serving on the commission, I understand that they're at 33 now, and I know that the agencies struggle to come up with the 30 percent match. And even though 50/50 sounds well and good and all of that sort of thing, there are so many other circumstances that can affect that over time, like the economy, like what is going on

with the philanthropic community that you are thinking that you're going to get that additional money from. Are they able to come up with that money?

I think what is happening in that rule, that I see, is that a number of things are going on that the agencies do not have in their control and neither do you, as the corporation, have in your control. And I would like to see the rules -- which I think are great, by the way. Obviously, I've just got a couple of things.

MR. EISNER: Sure. We're used to that.

MS. ALLEN-BENSON: So, obviously, we might -- in my mind, I think you need to look at it from the point of view of what you legitimately can control. And very frequently you can't control the other factors that are playing into that kind of rule.

MR. EISNER: Thank you.

MS. VAN DER VEER: I'd like to say thank you to all three of our speakers and call up the next three. Jennifer Althaus, Melissa Kelley, and Theresa Cusimano, please come up to the table here. Okay. Jennifer, you're first.

MS. ALTHAUS: My name is Jennifer Althaus with the Colorado Youth Corps Association, Education Award Program, and the entire Youth Corps network in the state. CYCA is an intermediary agency, which supports nine youth corps, three of which currently have operating grants. In addition, CYCA is an education awards program that will enroll almost 200 members each year.

Before beginning with CYCA's recommendations, please know that we support the written testimony submitted by the Save AmeriCorps coalition and the National Association of AmeriCorps. I won't repeat what is in these documents. So the following are recommendations above and beyond those recommended by Save AmeriCorps: First, an overriding recommendation, and that is that the corporation exempt education award programs and all irrelevant sections, including those referring to match generation; evaluation, if, in fact, the award programs are exempt in evaluations; childcare; healthcare; sustainability criteria; and the limit on federal funds to match member costs. And I may have forgotten some in there. It's not clear where education awards fit into these rules or don't fit in.

Specifically -- and I'll indicate four to five sections that we have recommendations regarding. For sections 2520.35, regarding volunteer generation waivers, and 2521.70, regarding the matched generation waivers, please clearly define the waiver system. Requiring waiver requests as part of a pre-application process, so as not to waste staff time and resources on an unsuccessful application. Also, please clearly state that applying for a waiver will not negatively effect the proposal's success.

In section 2522.47, which refers to other factors -- quote/unquote, other factors in funding decision-making. Please clearly state all selection criteria the corporation will use when considering applications. In the interest of transparency, either eliminate all extraneous criteria or embrace the essential criteria as part of the competitive process, using a clearly defined rating scale to all applications, so all applicants know what that criteria is.

Regarding section 2520.45, which references member fund-raising, please advise recordkeeping requirements for tracking members, and ensure that the requirements are not overly burdensome to programs. We would also appreciate that the fund-raising limits are aggregate, similar to those with training and education time limits.

And finally and most importantly, referring to the cost-effectiveness section, 2522.420, Colorado Youth Corps Association requests that the corporation review the program design and organizational capacity sections of the proposal prior to evaluating them on cost-effectiveness. Essentially, doing a blind review of the program design and essential components of programming prior to determining whether they're cost-effective. This will ensure that the corporation will fund good programs that are cost-effective, not just cheap programs. Thank you.

MS. VAN DER VEER: Thank you so much. David, do you have any questions for Jennifer at this time?

MR. EISNER: I just want to make sure I understand one thing. As far as the member fund-raising limits, you refer to aggregate with an individual, in the member's time, you're not saying it should be aggregate among the whole?

MS. ALTHAUS: Within the program, actually.

MR. EISNER: So the program has 50 AmeriCorps members, the percent times the fund-raising should be among everyone. So you would say it's okay to have a few members spending full-time fund-raising?

MS. ALTHAUS: Yes.

MS. VAN DER VEER: Okay. Melissa.

MS. KELLEY: Hi. My name is Melissa Kelley. And I'm executive director of the Colorado Parent and Child Foundation. Our organization serves as an intermediary organization for a multi-site AmeriCorps State competitive program.

My concern is with the changes proposed under parts 2522.900, qualifications for members serving as reading tutors. I understand that the President has issued an executive order which asks that school-based national service programs employs tutors who meet the required professional qualifications consistent with "No Child Left Behind," and that all federal agencies have been asked to comply with "No Child Left Behind" in their programs. I can appreciate that. And I believe that we do need to offer the best for our children, the best possible support available.

However, I strongly disagree with the requirement that AmeriCorps members, who are by definition in the National and Community Service Act as amended, are participants in a national service program and very explicitly not employees. That they be mandated to meet the same qualification requirements of employees is troubling.

Eligibility to participate in the AmeriCorps Service Program includes three things; citizenship, age, and education level. In terms of age, members have to be at least 17 years old. The proposed changes would require members serving through LEAs in a tutoring capacity to have two years higher education or hold an association's degree.

This requirement precludes participation of AmeriCorps members on the younger end of the spectrum, in that if they're 17, 18, 19, and 20, they haven't had time yet in their young lives to obtain that level of education.

Similarly, the National Community Service Trust Act states that members have at least a high school diploma, GED, or agree to obtain one prior to using the educational award. In the proposed rule it says, Higher educational requirement on one subset of one of five national service priority areas.

To further complicate things, tutor qualifications as proposed under this rule differ from members hired in LEAs versus those hired by nonprofits. This could be extremely troubling for programs that are multi-site placements or multi-state placement. Whereas, the AmeriCorps members in one state program have different qualifications depending on where they are hired and supervised, yet they would have the same site and benefits.

In addition, there are states and school districts who have opted out of "No Child Left Behind," meaning that they have decided not to take title and support. As of this past spring, six states have either introduced or passed legislation completely opting out of "No Child Left Behind." An additional 16 states had proposed or passed legislation opting out of pieces of it.

For AmeriCorps programs which remain in states or districts that do not enforce these rules on their employees, it would be very difficult to enforce them on AmeriCorps members. Navigating across the states and districts is very difficult, to say the least, but the challenges these requirements might pose on labor disputes and displacement concerns -- when you can have \$9,000 AmeriCorps member versus a 25,000 or higher or step up salary for someone with the same qualifications, they're performing one-on-one tutoring services, is also very troubling.

I think I'm almost out of time. My main point is that this disregards innovative, highly effective, proven strategies that employ other types of tutors that ---not ---those paraprofessional requirements. And it takes away from the partnership between the federal government, the corporation, and the individual programs in the community in determining the best way to serve their communities. Most importantly, AmeriCorps members are not employees. Thanks.

MS. VAN DER VEER: Thank you. Melissa. Any questions at this time, Dave?

MR. EISNER: Yes. This is a really complex area, and your testimony was really helpful. I want to make sure I totally understand it, and we get the right pieces on the record.

Are you saying that this rule would result in AmeriCorps members who otherwise would not be held by paraprofessional -- held to the paraprofessional requirements?

MS. KELLEY: Yes. The definition in the rule says that this standard would apply to individuals, whose primary goal is to increase academic achievement in reading or other core subjects through planned, consistent, one-on-one, or small group reading or small groups sessions that builds up student's academic strength and targets student's academic needs. So it's really one-on-one tutoring in a school setting. Those members all have to meet the paraprofessional qualifications under "No Child Left Behind."

MR. EISNER: Only if they're hired by the school district?

MS. KELLEY: School district.

MR. EISNER: So are you saying that there are AmeriCorps members -- my real question is: Are there AmeriCorps members that are not under "No Child Left Behind" -- that would not follow paraprofessional requirements, and they're only following paraprofessional requirements because of our rules; or are you saying --

MS. KELLEY: Right. They are following under your rules. Schools can have one-on-one tutor volunteers or other supplemental education services that are not under this umbrella of "No Child Left Behind." They can bring on innovative programs to help bring their students up to par or whatever it is they want to be achieving with that.

MR. EISNER: It would be very helpful -- are you submitting that as well in writing?

MS. KELLEY: I could, but probably not today.

MR. EISNER: Our intent was that we simply would reinforce that our rules would make sure that AmeriCorps members that are subject to "No Child Left Behind" based on state law, would remain subject to that under our rules, and that AmeriCorps members under state law would not be subject to "No Child Left Behind," would not be under our rules. Specifically identifying where in the rules that you are seeing that "No Child Left Behind" gets expanded would be helpful to us in looking at our file.

MS. VAN DER VEER: All right. Okay. Let me just say, Stephanie, if you would like to register as a separate speaker, we have the time for you to do that, or if you are prepared to just join Theresa for the five minutes.

MS. CUSIMANO: We should be able to do it in five minutes.

MS. VAN DER VEER: If not, we'll count you as a separate speaker and give Stephanie her own five.

MS. CUSIMANO: I wanted to thank you for this opportunity to join us. This is a historical moment in Denver for rule-making around CNCS. We are extremely excited. My name is Theresa Cusimano, and I'm the director of the Colorado Campus Compact.

I want to echo some of the sentiments of our peers who came before. I thought there were important points that I think many of us share. The challenges in looking at Colorado and our region in a rural context is important for this southwest cluster when it comes to match and when it comes to guidelines. Jennifer Althaus's comments around verifying the guidelines would be procedurally helpful from the Compact perspective. And most recently Melissa's testimony around the tutoring requirements for high school seniors is also something that's important to us, as we work with District 51 in Grand Junction and a number of high school seniors in Alamosa.

So we would like to thank you for this opportunity to join this testimony today and share our perspectives. We manage a federal grant portfolio, and AmeriCorps is actually our largest program here in Colorado. We work with four states, Utah, Colorado, Arizona, and New Mexico, and that's where our name UCAN Serve comes from.

As a result of your investment from the corporation, which we are so appreciative of, 3,400 students annually start their career in the common good at 39 campuses. They serve in over 200 communities, and they are addressing unmet needs and serving along in a certain capacity at over 400 non-profit and local institutes.

As you may know, Colorado ranks second to last in the country for access to higher education. The AmeriCorps program greatly sees that in bridging this access gap by providing 4.5 million in service scholarships to UCAN Serve students who are serving in these communities throughout the Intermountain West.

For many of our students who are located in low-income counties in this region that we specifically target for these programs, these scholarships represent the only way that they can afford college educations. And they are most appreciative of the corporation's investment. Just to give you one example, in Southeastern Colorado Lamar Community College entered into a number of partnerships to initiate economic development and promote the advancement of their low-income community members.

At the same time, Governor Owens and a committee called SITSA(phonetic) identified an acute nursing shortage in our state and region, particularly along critical access and rural areas. Lamar Community College president, Betty Macowski; along with her dean of nursing, Sandy Summers; and Stephanie Schooley, program director, became increasingly creative in their attempts to position the marketing of the college as a leader in rural nursing and healthcare.

Today our AmeriCorps students at Lamar have tripled in number, now serving 45 students. Lamar is the smallest community college in our state. In this instance, UCAN Serve and the investment of the corporation is for economic development. It's also bringing along population in Southeastern Colorado that is largely left out of the state economic initiative. It has provided an opportunity for first-generation college students and building a long-term capacity of healthcare systems in Southeastern Colorado.

For us, it's a win, win, win. Once again, we wish to thank you for your investment in our region and the opportunity to share our success.

Specifically addressing the rules on page 6, under section 2521.4 through 2521.60, the increase in grants each year of program costs. The rules that the corporation is recommending talk about using the education award programs in a way to lower their average corporation cost for FTE, which is stated in the rule as 12,400.

We want to give you a historical context. Our organization, Colorado Campus Compact, actually has walked away from the full-time AmeriCorps program because of the cost per member and because of the extent of the administrative burden, which made it unworkable for colleges in our communities. In 2001, with the help of Lynette Murphy, we switched over to education award-only programs entirely, to better serve the needs of our college students and their surrounding campus communities.

We have found that unless we manage the award program on a large-scale level, the cost formulas simply do not work. So as a result, we have chosen to operate as an intermediary organization, working with over 400 local agencies and 39 campuses. It is only in aggregate that we can make this program successful.

We are excited to see the corporation recognizing the potential of the award program. And we'd like to make a few recommendations, if that is indeed a future direction of the agency. As we offer these recommendations, we recognize the unique program portfolio and we recognize that it's distinctly different from our full-time non-higher education peers. We wish to offer these recommendations to address that portion of your portfolio that speaks to higher ed and ed award programs.

I'm going to pass it over to Stephanie Schooley for the next five minutes.

MS. VAN DER VEER: Stephanie, please state your name and your organization, so that we can capture your comments as separate.

MS. SCHOOLEY: I'm Stephanie Schooley. I'm the program director for UCAN of AmeriCorps, Colorado Campus Compact.

In the performance measurement section under rule-making 2522.580 and .590, CNCS is recommending programs need not cover the scope of their entire program, but instead give a clear indication of a program's primary purpose and objective. We feel it is critical to allow programs to collect performance measurement across service activities, focused on large-scale capacity building, resource development, and community strengthening. Rather than needing to identify primary service activities among literally dozens of activities that we have in the UCAN Serve program. To embrace the breadth of education work-only programs and include large-scale capacity building as appropriate performance measurement data collection.

As part of this process CNCS and Project Star, who is the T/TA provider for that, can work with large education work-only programs to design standard evaluations and standard performance measurements for data collection and analysis. Thus far we have not found that there is an effective example of education award-only performance measurements that have been provided to programs.

This collaborative process can include community partners, CNCS, clearly, Project Star, and program staff, and definitely campus partners for higher education programs. So that data collected really serves the interests of the communities and does not exclude meaningful service outside the boundaries of that primary program activity.

For UCAN Serve, our programs, at \$106 cost per member and \$90 in administrative funds provided by CNCS per member is standardization of some performance measurements and collaboration between programs that are on data collection, can be cost-saving for education award programs nationally.

Finally, we have been able in -- our program has been able to maintain attrition levels below 15 percent over the past three years. However, that 15 percent or less can represent up to 250 slots annually for the UCAN Serve Program. The inability to refill those slots is crippling for our program. I think about 250 slots that -- that's small when you consider our attrition, but it's large when you consider the opportunity to engage those additional 250 students annually by refilling the slots that we have lost. Refilling slots allows us to more effectively meet community needs and to foster student engagement at a regional level. Thank you.

MS. VAN DER VEER: Thank you, Stephanie.

MR. EISNER: Thank you.

MS. VAN DER VEER: Okay. We have one more speaker registered, and that's Nancy Brown. But here's your opportunity, if you had not previously registered to be a speaker here today, come up and join Nancy. Is there anybody out there?

MS. BROWN: I'm Nancy Brown, the executive director of the Colorado Governor's Commission on Community Service. And good morning, Mr. Eisner. And thank you all of you for -- corporation staff, for coming to support us here in Denver. We appreciate that you chose us as one of the five sites for your rule-making hearing feedback.

I was told last time I talked too much in the beginning, so I just want to say I appreciate the tremendous work the corporation has done to date on behalf of the commissions and the programs on the rule-making process. I am here today to represent the 14 programs' comments that we are -- that we have in the State of Colorado.

So here's a summary of things in these areas. We will submit a more comprehensive document with selected rules in writing. The first one is on using cost per FTE as a selection criteria. This was the No. 1 issue of Colorado programs. Programs have expressed concern about using cost per FTE as selection criteria, using cost per FTE puts pressure on programs to absorb increased program operating costs. The feedback from programs is that they may have to decide whether to start cutting back on valuable training supplies and staff support that meet their members' ---category ---affected and potentially reduce program efficiencies.

On increasing gradual match, most of our programs are not opposed to higher sustainability requirements, but there are some considerations that are important to them. One key consideration is the rule against not using other federal funds should be modified to take into consideration programs such -- that are linked with partners who secure significant funding from the National Park Services, 21st Century learning sites, and health programs. Using funds from these sources to support them authorizing such grants should be allowed.

As a member in staff fund-raising, although member fund-raising is addressed in the rules, programs are concerned that staff availability to raise funds while paid on federal dollars is not clearly addressed. This topic is very important for sustainability and staff supervision during fund-raising activities. Staff needs to be included in the language as permitted to participate in fund-raising.

Under the childcare part of the rule, the current language on childcare cost reimbursement concerns the programs, as Colorado has several formulas for calculating reimbursable expenses. The formulas may cause AmeriCorps members to have difficulty finding childcare providers who will accept the amount reimbursed.

On performance measures and evaluations, programs agree with the importance of performance measures and evaluations. However, the current system requires an extensive amount of time to collect the data and input it into the required software program. Programs suggest the corporation develop a common set of evaluations that are standardized and available to grantees at no cost as the professional independent third-party evaluation requirement for programs over \$500,000 is difficult to comply with.

A new legal applicant, current draft rules say new legal applicants must come in at the percent match that the outgoing organization was at. Programs would like to see consideration for program startup and a reduced matched requirement, as the new organization may need time to build sources for match that were not transferable from the old organization.

Thank you for this opportunity to represent the general summary of the feedback from Colorado programs regarding the draft rules. I appreciate all of the assistance given to our commission and programs for a corporation staff and the tremendous solid leadership provided by David and Rosie.

MS. VAN DER VEER: Thank you, Nancy.

MR. EISNER: Thank you. And thank you for bringing the comments from all of the 14 grantees. It's very helpful. I want to go to your first point on using cost per FTE as criteria. Is the underlying -- first of all, is the challenge that it's too -- we're putting too much emphasis on it, or is the challenge that it's being used at all?

MS. BROWN: I think the challenge -- and I'm speaking for them, so I'll do the best I can. The challenge is using that as a part of the decision-making -- for choosing these grantees. Because what we're finding is our programs are strained for funding, and the part of the money that's used for operating is already stretching them. So to have to reduce that in order to compete concerns them.

MR. EISNER: A second related question. Are they using cost per FTE as proxies for cost efficiency? If we didn't talk about the cost for FTE, but we still had that cost efficiency was going to be a criteria, would that be still be problematic for your program?

MS. BROWN: May I ask them that and submit that in your written comments?

MR. EISNER: That would be helpful.

MS. VAN DER VEER: I was trying to read your nametag. Is it Margie?

MS. MILENKIEWICZ: Yes, it's Margie.

MS. VAN DER VEER: Okay. Margie, go ahead. You're next.

MS. MILENKIEWICZ: Thank you for this opportunity. It's a new experience, in terms of rule-making. And welcome to Colorado. My name is Margie Milenkiewicz. I'm the state coordinator for the Education of Homeless Children and Youth. And I work with the Colorado Department of Education. We are in our second cycle of education award-only grants. We have now moved up to 93 members in 21 sites throughout the state. Our primary purpose is to work with school districts, homeless service providers, and faith-based agencies to look at the academic needs and the basic needs of children and youth experience in homelessness. Our state is the second highest state in mobility in the country and so these are huge growing needs.

Our grant was developed because superintendents and homeless service providers said, We're drowning, and so we wanted to come up with resources. We're very grateful for the support throughout our state. I'm here, basically, to go on record as the Colorado

Department of Education with our Colorado Mentors on Move Program to support and agree with some of my colleagues' comments.

First of all, Jennifer Althaus, her comments as far as in the rule-making there's not necessarily specificity between award-only grants and some of the rules, so there needs to be more clarity. That would be a recommendation. I think I have you right on that. Also, Melissa Kelley, when she spoke about the tutors. I'd like to speak specifically about our program and our inclusion of homeless youth as AmeriCorps members, youth that are finishing school, finishing their GED, and if they needed to have the same requirements as a paraprofessional that would knock them out of the running. Currently we have some AmeriCorps members -- actually we've had two of our five homeless youth, who are AmeriCorps members, complete their terms of service. One young man completed two terms of service. He's now in college. And as Theresa said, If he didn't have that ed grant, he wouldn't be in college. Another young man who was homeless, who is one of our members, he went to the National Homeless Educators Conference and spoke about his experience. So it's been such a value for them.

In Saguache County, a very small county in Southern Colorado, four high school seniors are part of our AmeriCorps team down there, a team of 15. And as I did their orientation, every single one of them and new ones coming in for our summer program said, If we didn't have AmeriCorps, we wouldn't be able to get college. So we're reaching out to homeless youth and youth who are in school in rural areas, and we are grateful for the AmeriCorps dollars. Basically that's it, and thank you for your time.

MS. VAN DER VEER: Thank you, Margie.

MR. EISNER: Thank you. Let me also note -- and also I think this applies to a couple of folks that testified earlier. As we clarify -- or look to clarify the relationship between the ed award-only and the rest of the rules, if there are any particular rules that you hope would apply to the ed award, we'd like to see that as well.

MS. VAN DER VEER: I'm going to make another call for any speakers who had not previously registered to take the opportunity to come to the table now. Okay. So seeing none -- although, there's someone coming in the back. Let me just say one more time: Is there anyone interested in making a comment here today? I want to make sure we make the opportunity available. But seeing that there are no other individuals who want to make public comments, we have come to the end, then, of our public hearing. And David has a few closing comments. And then we're going to talk about how the rest of the day is going to go.

MR. EISNER: I just want to say once again thank you. We have, again, proven that it's extremely worthwhile to do this. I think we've learned a lot from the folks who testified and continue to learn as we read the written comments. And we're going to do everything that we can to make the final rules -- they won't be perfect. I'm confident they won't make everybody happy, but we'll do everything we can to make them as helpful as possible to grow the program in the future. With that, I think that we're adjourned.

MS. VAN DER VEER: We want to do thank-yous. Do you want to do that?

MR. EISNER: Yes. First of all, Gretchen, I want to thank you for facilitating this and other meetings. I want to thank Kathie Ferguson, our area manager, whose staff and

many of the state's staff helped put this together. We also have Susannah Washburn, who works for the CEO's office, who helped make this possible. Nicky Goren with the general counsel's office. Kathie Ott, our new director of government relations. And Kathy Hoehn, who manages our relationships with local and state officials. Ralph Morales, who's the senior program officer for AmeriCorps in this cluster. And I'm confident I'm forgetting people. But we have a lot of energy and a lot of work from a lot of people that went into making all of these meetings happen, and in particular, making the rule as strong as it is. So thank you all.

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(The meeting concluded at 10:48 a.m.)

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